

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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THOMAS KEMPKES,

Plaintiff,

-- against --

07-cv-11351 (KMK)

MARY C. MARVIN, individually, GLENN D.  
BELLITO, individually, ROBERT J. UNDERHILL,  
individually, ANNE W. POORMAN, individually,  
WILLIAM H. BARTON, individually, and the VILLAGE  
OF BRONXVILLE, N.Y.,

**NOTICE OF MOTION**

Defendants.  
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**PLEASE TAKE NOTICE**, that upon the accompanying Memorandum of Law dated June 16, 2008 and the Affidavit of Howard M. Miller dated June 16, 2008, Defendant will move this Court, before the Honorable Kenneth M. Karas, at the United States Courthouse located at 300 Quarropas Street White Plains, New York 10601 at such time as to be determined by this Court for an Order pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure dismissing the First Amended Complaint in its entirety.

**PLEASE TAKE FURTHER NOTICE**, that pursuant to the May 8, 2008 order of Judge Kenneth M. Karas, papers in opposition to this motion must be served on Defendants' counsel on or before July, 18, 2008. Defendants' reply shall be served on Plaintiffs' counsel on or before August 1, 2008, at which time Defendants' shall file all papers submitted by Defendants in support of this motion.

Dated: Garden City, New York  
June 16, 2008

Respectfully submitted,

BOND, SCHOENECK & KING, PLLC

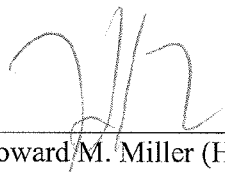
By:   
Howard M. Miller (HMM: 4538)  
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CERTIFICATE OF SERVICE

I hereby certify that on August 8, 2008, the foregoing document was filed with the Clerk of the Court and served in accordance with the Federal Rules of Civil Procedure, and/or the Southern District's Local Rules, and/or the Southern District's Rules on Electronic Service, and/or the individual rules of practice of District Court Judge Kenneth M. Karas upon the following parties and participants:

LOVETT & GOULD, LLP  
222 Bloomingdale Road  
White Plains, New York 10605



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Howard M. Miller (HMM4538)  
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